

R307. Environmental Quality, Air Quality.**R307-401. Permit: New and Modified Sources.****R307-401-1. Purpose.**

This rule establishes the application and permitting requirements for new sources and modifications to existing sources throughout the State of Utah. Additional permitting requirements apply to larger sources or sources located in nonattainment or maintenance areas. These additional requirements can be found in R307-403, R307-405, R307-406, R307-420, and R307-421. Modeling requirements in R307-410 may also apply. Each of the permitting rules establishes independent requirements, and a source must comply with all of the requirements that apply to the source. Exemptions under R307-401 do not affect applicability of the other permitting rules.

R307-401-2. Definitions.

(1) The following additional definitions apply to R307-401.

"Actual emissions" (a) means the actual rate of emissions of an air contaminant—from an emissions unit, as determined in accordance with paragraphs (b) through (d) below.

(b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the air contaminant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The executive secretary shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(c) The executive secretary may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Best available control technology" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each air contaminant which would be emitted from any proposed stationary source or modification which the executive secretary, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is

1 achievable for such source or modification through
2 application of production processes or available methods,
3 systems, and techniques, including fuel cleaning or
4 treatment or innovative fuel combination techniques for
5 control of such pollutant. In no event shall application of
6 best available control technology result in emissions of
7 any pollutant which would exceed the emissions allowed by
8 any applicable standard under 40 CFR parts 60 and 61. If
9 the executive secretary determines that technological or
10 economic limitations on the application of measurement
11 methodology to a particular emissions unit would make the
12 imposition of an emissions standard infeasible, a design,
13 equipment, work practice, operational standard or
14 combination thereof, may be prescribed instead to satisfy
15 the requirement for the application of best available
16 control technology. Such standard shall, to the degree
17 possible, set forth the emissions reduction achievable by
18 implementation of such design, equipment, work practice or
19 operation, and shall provide for compliance by means which
20 achieve equivalent results.

21 "Building, structure, facility, or installation" means
22 all of the pollutant-emitting activities which belong to
23 the same industrial grouping, are located on one or more
24 contiguous or adjacent properties, and are under the
25 control of the same person (or persons under common
26 control) except the activities of any vessel. Pollutant-
27 emitting activities shall be considered as part of the same
28 industrial grouping if they belong to the same Major Group
29 (i.e., which have the same two-digit code) as described in
30 the Standard Industrial Classification Manual, 1972, as
31 amended by the 1977 Supplement (U.S. Government Printing
32 Office stock numbers 4101-0066 and 003-005-00176-0,
33 respectively).

34 "Construction" means any physical change or change in
35 the method of operation (including fabrication, erection,
36 installation, demolition, or modification of an emissions
37 unit) that would result in a change in emissions.

38 "Emissions unit" means any part of a stationary source
39 that emits or would have the potential to emit any air
40 contaminant.

41 "Fugitive emissions" means those emissions which could
42 not reasonably pass through a stack, chimney, vent, or
43 other functionally equivalent opening.

44 "Indirect source" means a building, structure,
45 facility or installation which attracts or may attract
46 mobile source activity that results in emission of a
47 pollutant for which there is a national standard.

1 "Potential to emit" means the maximum capacity of a
2 stationary source to emit an air contaminant under its
3 physical and operational design. Any physical or
4 operational limitation on the capacity of the source to
5 emit a pollutant, including air pollution control equipment
6 and restrictions on hours of operation or on the type or
7 amount of material combusted, stored, or processed, shall
8 be treated as part of its design if the limitation or the
9 effect it would have on emissions is enforceable. Secondary
10 emissions do not count in determining the potential to emit
11 of a stationary source.

12 "Secondary emissions" means emissions which occur as a
13 result of the construction or operation of a major
14 stationary source or major modification, but do not come
15 from the major stationary source or major modification
16 itself. Secondary emissions include emissions from any
17 offsite support facility which would not be constructed or
18 increase its emissions except as a result of the
19 construction or operation of the major stationary source or
20 major modification. Secondary emissions do not include any
21 emissions which come directly from a mobile source, such as
22 emissions from the tailpipe of a motor vehicle, from a
23 train, or from a vessel.

24 "Stationary source" means any building, structure,
25 facility, or installation which emits or may emit an air
26 contaminant.

27 28 **R307-401-3. Applicability.**

29 (1) R307-401 applies to any person intending to:

30 (a) construct a new installation which will or might
31 reasonably be expected to become a source or an indirect
32 source of air pollution, or

33 (b) make modifications or relocate an existing
34 installation which will or might reasonably be expected to
35 increase the amount or change the effect of, or the
36 character of, air contaminants discharged, so that such
37 installation may be expected to become a source or indirect
38 source of air pollution, or

39 (c) install a control apparatus or other equipment
40 intended to control emissions of air contaminants from a
41 stationary source.

42 (2) R307-403, R307-405 and R307-406 may establish
43 additional permitting requirements for new or modified
44 sources.

45 (a) Exemptions contained in R307-401 do not affect
46 applicability or other requirements under R307-403, R307-
47 405 or R307-406.

(b) Exemptions contained in R307-403, R307-405 or R307-406 do not affect applicability or other requirements under R307-401, unless specifically authorized in this rule.

R307-401-4. General Requirements.

The general requirements in (1) through (3) below apply to all new and modified sources, including sources that are exempt from the requirement to obtain an approval order.

(1) Any control apparatus installed on a source shall be adequately and properly maintained.

(2) If the executive secretary determines that an exempted source is not meeting an approval order or State Implementation Plan limitation, is creating an adverse impact to the environment, or would be injurious to human health or welfare, then the executive secretary may require the source to submit a notice of intent and obtain an approval order in accordance with R307-401-5 through R307-401-8. The executive secretary will complete an appropriate analysis and evaluation in consultation with the source owner or operator before determining that an approval order is required.

(3) Low Oxides of Nitrogen Burner Technology.

(a) Except as provided in (b) below, whenever existing fuel combustion burners are replaced, the owner or operator shall install low oxides of nitrogen burners or equivalent oxides of nitrogen controls, as determined by the executive secretary, unless such equipment is not physically practical or cost effective. The owner or operator shall submit a demonstration that the equipment is not physically practical or cost effective to the executive secretary for review and approval prior to beginning construction.

(b) The provisions of (a) above do not apply to non-commercial, residential buildings.

R307-401-5. Notice of Intent.

(1) Except as provided in R307-401-9 through R307-401-17, the owner or operator of any stationary source subject to R307-401 shall submit a notice of intent to the executive secretary and receive an approval order prior to initiation of construction, modification or relocation. The notice of intent shall be in a format specified by the executive secretary.

(2) The notice of intent shall include the following information:

1 (a) A description of the nature of the processes
2 involved; the nature, procedures for handling and
3 quantities of raw materials; the type and quantity of fuels
4 employed; and the nature and quantity of finished product.

5 (b) Expected composition and physical characteristics
6 of effluent stream both before and after treatment by any
7 control apparatus, including emission rates, volume,
8 temperature, air contaminant types, and concentration of
9 air contaminants.

10 (c) Size, type and performance characteristics of any
11 control apparatus.

12 (d) An analysis of best available control technology
13 for the proposed source or modification. When determining
14 best available control technology for a new or modified
15 source in an ozone nonattainment or maintenance area that
16 will emit volatile organic compounds or nitrogen oxides,
17 the owner or operator of the source shall consider EPA
18 Control Technique Guidance (CTG) documents and Alternative
19 Control Technique documents that are applicable to the
20 source. Best available control technology shall be at
21 least as stringent as any published CTG that is applicable
22 to the source.

23 (e) Location and elevation of the emission point and
24 other factors relating to dispersion and diffusion of the
25 air contaminant in relation to nearby structures and window
26 openings, and other information necessary to appraise the
27 possible effects of the effluent.

28 (f) The location of planned sampling points and the
29 tests of the completed installation to be made by the owner
30 or operator when necessary to ascertain compliance.

31 (g) The typical operating schedule.

32 (h) A schedule for construction.

33 (i) Any plans, specifications and related information
34 that are in final form at the time of submission of notice
35 of intent.

36 (j) Any additional information required by:

37 (i) R307-403, Permits: New and Modified Sources in
38 Nonattainment Areas and Maintenance Areas;

39 (ii) R307-405, Permits: Major Sources in Attainment
40 or Unclassified Areas (PSD);

41 (iii) R307-406, Visibility;

42 (iv) R307-410, Emissions Impact Analysis;

43 (v) R307-420, Permits: Ozone Offset Requirements in
44 Davis and Salt Lake Counties; or

45 (vi) R307-421, Permits: PM10 Offset Requirements in
46 Salt Lake County and Utah County.

(k) Any other information necessary to determine if the proposed source or modification will be in compliance with Title R307.

R307-401-6. Review Period.

(1) Completeness Determination. Within 30 days after receipt of a notice of intent, or any additional information necessary to the review, the executive secretary will advise the applicant of any deficiency in the notice of intent or the information submitted.

(2) Within 90 days of receipt of a complete application including all the information described in R307- 401-5, the executive secretary will

(a) issue an approval order for the proposed construction, installation, modification, relocation, or establishment pursuant to the requirements of R307-401-8, or

(b) issue an order prohibiting the proposed construction, installation, modification, relocation or establishment if it is deemed that any part of the proposal is inadequate to meet the applicable requirements of R307.

(3) The review period under (2) above may be extended by up to three 30-day extensions if more time is needed to review the proposal.

R307-401-7. Public Notice.

(1) Issuing the Notice. Prior to issuing an approval or disapproval order, the executive secretary will advertise intent to approve or disapprove in a newspaper of general circulation in the locality of the proposed construction, installation, modification, relocation or establishment.

(2) Opportunity for Review and Comment.

(a) At least one location will be provided where the information submitted by the owner or operator, the executive secretary's analysis of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.

(b) Public Comment.

(i) A ten-day public comment period will be established.

(ii) The public comment period in (i) above will be increased to 30 days for any source that is:

(A) subject to the requirements of R307-405, Permits: Major Sources in Attainment or Unclassified Areas,

(B) subject to the requirements of R307-406, Visibility,

1 (C) subject to the requirements of R307-415,
2 Operating Permit Requirements;

3 (D) a synthetic minor source in accordance with R307-
4 415-4(6);

5 (E) located in a nonattainment area or a maintenance
6 area for any pollutant; or

7 (F) subject to any standard or requirement of 42
8 U.S.C. 7411 or 7412.

9 (iii) A request to extend the length of the comment
10 period, up to 30 days, may be submitted to the executive
11 secretary:

12 (A) within 10 days of the date the notice in (1)
13 above is published for comment periods established under
14 (i), or

15 (B) within 15 days of the date the notice in (1)
16 above is published for comment periods established under
17 (ii).

18 (iv) Public Hearing. A request for a hearing on the
19 proposed approval or disapproval order may be submitted to
20 the executive secretary:

21 (A) within 10 days of the date the notice in (1)
22 above is published for comment periods established under
23 (i) above, or

24 (B) within 15 days of the date the notice in (1) above
25 is published for comment periods established under (ii)
26 above.

27 (v) The hearing will be held in the area of the
28 proposed construction, installation, modification,
29 relocation or establishment.

30 (vi) The public comment and hearing procedure shall
31 not be required when an order is issued for the purpose of
32 extending the time required by the executive secretary to
33 review plans and specifications.

34 (3) The executive secretary will consider all
35 comments received during the public comment period and at
36 the public hearing and, if appropriate, will make changes
37 to the proposal in response to comments before issuing an
38 approval order or disapproval order.

39
40 **R307-401-8. Approval Order.**

41 (1) The executive secretary will issue an approval
42 order if the following conditions have been met:

43 (a) The degree of pollution control for emissions, to
44 include fugitive emissions and fugitive dust, is at least
45 best available control technology. When determining best
46 available control technology for a new or modified source
47 in an ozone nonattainment or maintenance area that will

1 emit volatile organic compounds or nitrogen oxides, best
2 available control technology shall be at least as stringent
3 as any Control Technique Guidance document that has been
4 published by EPA that is applicable to the source.

5 (b) The proposed installation will meet the
6 applicable requirements of:

7 (i) R307-403, Permits: New and Modified Sources in
8 Nonattainment Areas and Maintenance Areas;

9 (ii) R307-405, Permits: Major Sources in Attainment
10 or Unclassified Areas (PSD);

11 (iii) R307-406, Visibility;

12 (iv) R307-410, Emissions Impact Analysis;

13 (v) R307-420, Permits: Ozone Offset Requirements in
14 Davis and Salt Lake Counties;

15 (vi) R307-210, National Standards of Performance for
16 New Stationary Sources;

17 (vii) National Primary and Secondary Ambient Air
18 Quality Standards;

19 (viii) R307-214, National Emission Standards for
20 Hazardous Air Pollutants;

21 (ix) R307-110, Utah State Implementation Plan; and

22 (x) all other provisions of R307.

23 (2) The approval order will require that all
24 pollution control equipment be adequately and properly
25 maintained.

26 (3) Receipt of an approval order does not relieve any
27 owner or operator of the responsibility to comply with the
28 provisions of R307 or the State Implementation Plan.

29 (4) To accommodate staged construction of a large
30 source, the executive secretary may issue an order
31 authorizing construction of an initial stage prior to
32 receipt of detailed plans for the entire proposal provided
33 that, through a review of general plans, engineering
34 reports and other information the proposal is determined
35 feasible by the executive secretary under the intent of
36 R307. Subsequent detailed plans will then be processed as
37 prescribed in this paragraph. For staged construction
38 projects the previous determination under R307-401-8(1) and
39 (2) will be reviewed and modified as appropriate at the
40 earliest reasonable time prior to commencement of
41 construction of each independent phase of the proposed
42 source or modification.

43 (5) If the executive secretary determines that a
44 proposed stationary source, modification or relocation does
45 not meet the conditions established in (1) above, the
46 executive secretary will not issue an approval order.

47

R307-401-9. Small Source Exemption.

(1) A small stationary source is exempted from the requirement to obtain an approval order in R307-401-5 through 8 if the following conditions are met.

(a) its actual emissions are less than 5 tons per year per air contaminant of any of the following air contaminants: sulfur dioxide, carbon monoxide, nitrogen oxides, PM₁₀, ozone, or volatile organic compounds;

(b) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;

(c) its actual emissions are less than 500 pounds per year of any air contaminant not listed in (a) or (b) above and less than 2000 pounds per year of any combination of air contaminants not listed in (a) or (b) above.

(d) Air contaminants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide, nitrogen, oxygen, argon, neon, helium, krypton, xenon should not be included in emission calculations when determining applicability under (a) through (c) above.

(2) The owner or operator of a source that is exempted from the requirement to obtain an approval order under (1) above shall no longer be exempt if actual emissions in any subsequent year exceed the emission thresholds in (1) above. The owner or operator shall submit a notice of intent under R307-401-5 no later than 180 days after the end of the calendar year in which the source exceeded the emission threshold.

(3) Small Source Exemption - Registration. The executive secretary will maintain a registry of sources that are claiming an exemption under R307-401-9. The owner or operator of a stationary source that is claiming an exemption under R307-401-9 may submit a written registration notice to the executive secretary. The notice shall include the following minimum information:

(a) identifying information, including company name and address, location of source, telephone number, and name of plant site manager or point of contact;

(b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;

(c) identification of expected emissions;

(d) estimated annual emission rates;

- 1 (e) any control apparatus used; and
2 (f) typical operating schedule.
3 (4) An exemption under R307-401-9 does not affect the
4 requirements of R307-401-16, Temporary Relocation.
5

6 **R307-401-10. Source Category Exemptions.**

7 The following source categories described in (1)
8 through (5) below are exempted from the requirement to
9 obtain an approval order. The general provisions in R307-
10 401-4 shall apply to these sources.

11 (1) Fuel-burning equipment in which combustion takes
12 place at no greater pressure than one inch of mercury above
13 ambient pressure with a rated capacity of less than five
14 million BTU per hour using no other fuel than natural gas
15 or LPG or other mixed gas that meets the standards of gas
16 distributed by a utility in accordance with the rules of
17 the Public Service Commission of the State of Utah, unless
18 there are emissions other than combustion products.

19 (2) Comfort heating equipment such as boilers, water
20 heaters, air heaters and steam generators with a rated
21 capacity of less than one million BTU per hour if fueled
22 only by fuel oil numbers 1 - 6,

23 (3) Emergency heating equipment, using coal or wood
24 for fuel, with a rated capacity less than 50,000 BTU per
25 hour.

26 (4) Exhaust systems for controlling steam and heat
27 that do not contain combustion products.
28

29 **R307-401-11. Replacement-in-Kind Equipment.**

30 (1) Applicability. Existing process equipment or
31 pollution control equipment that is covered by an existing
32 approval order or State Implementation Plan requirement may
33 be replaced using the procedures in (2) below if:

34 (a) the potential to emit of the process equipment is
35 the same or lower;

36 (b) the number of emission points or emitting units
37 is the same or lower;

38 (c) no additional types of air contaminants are
39 emitted as a result of the replacement;

40 (d) the process equipment or pollution control
41 equipment is identical to or functionally equivalent to the
42 replaced equipment;

43 (e) the replacement does not change the basic design
44 parameters of the process unit or pollution control
45 equipment;

46 (f) the replaced process equipment or pollution
47 control equipment is permanently removed from the

1 stationary source, otherwise permanently disabled, or
2 permanently barred from operation;

3 (g) the replaced process equipment or pollution
4 control equipment does not trigger New Source Performance
5 Standards or National Emissions Standards for Hazardous Air
6 Pollutants under 42 U.S.C. 7411 or 7412; and

7 (h) the replacement of the control apparatus or
8 process equipment does not violate any other provision of
9 Title R307.

10 (2) Replacement-in-Kind Procedures.

11 (a) In lieu of filing a notice of intent under R307-
12 401-5, the owner or operator of a stationary source shall
13 submit a written notification to the executive secretary
14 before replacing the equipment. The notification shall
15 contain a description of the replacement-in-kind equipment,
16 including the control capability of any control apparatus
17 and a demonstration that the conditions of (1) above are
18 met.

19 (b) If the replacement-in-kind meets the conditions
20 of (1) above, the executive secretary will update the
21 source's approval order and notify the owner or operator.
22 Public review under R307-401-7 is not required for the
23 update to the approval order.

24 (3) If the replaced process equipment or pollution
25 control equipment is brought back into operation, it shall
26 constitute a new emissions unit.

27
28 **R307-401-12. Reduction in Air Contaminants.**

29 (1) Applicability. The owner or operator of a
30 stationary source of air contaminants that reduces or
31 eliminates air contaminants is exempt from the approval
32 order requirements of R307-401-5 through 8 if:

33 (a) the project does not increase the potential to
34 emit of any air contaminant or cause emissions of any new
35 air contaminant, and

36 (b) the executive secretary is notified of the change
37 and the reduction of air contaminants is made enforceable
38 through an approval order in accordance with (2) below.

39 (2) Notification. The owner or operator shall submit
40 a written description of the project to the executive
41 secretary no later than 60 days after the changes are made.
42 The executive secretary will update the source's approval
43 order or issue a new approval order to include the project
44 and to make the emission reductions enforceable. Public
45 review under R307-401-7 is not required for the update to
46 the approval order.

47

R307-401-13. Plantwide Applicability Limits.

A plantwide applicability limit under R307-405-21 does not exempt a stationary source from the requirements of R307-401.

R307-401-14. Used Oil Fuel Burned for Energy Recovery.

(1) Definitions.

"Boiler" means boiler as defined in R315-1-1 that incorporates by reference the term "boiler" in 40 CFR 260.10, 2000 ed., as amended by 67 FR 2962, January 22, 2002.

"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.

(2) Boilers burning used oil for energy recovery are exempted from the requirement to obtain an approval order in R307-401-5 through 8 if the following requirements are met:

(a) the heat input design is less than one million BTU/hr;

(b) contamination levels of all used oil to be burned do not exceed any of the following values:

(i) arsenic - 5 ppm by weight,

(ii) cadmium - 2 ppm by weight,

(iii) chromium - 10 ppm by weight,

(iv) lead - 100 ppm by weight,

(v) total halogens - 1,000 ppm by weight,

(vi) Sulfur - 0.50% by weight; and

(c) the flash point of all used oil to be burned is at least 100 degrees Fahrenheit.

(3) Testing. The owner or operator shall test each load of used oil received or generated as directed by the executive secretary to ensure it meets these requirements. Testing may be performed by the owner/operator or documented by test reports from the used fuel oil vendor. The flash point shall be measured using the appropriate ASTM method as required by the executive secretary. Records for used oil consumption and test reports are to be kept for all periods when fuel-burning equipment is in operation. The records shall be kept on site and made available to the executive secretary or his representative upon request. Records must be kept for a three-year period.

R307-401-15. Air Strippers and Soil Venting Projects.

(1) The owner or operator of an air stripper or soil venting system that is used to remediate contaminated groundwater or soil is exempt from the notice of intent and

1 approval order requirements of R307-401-5 through 8 if the
2 following conditions are met:

3 (a) the estimated total air emissions of volatile
4 organic compounds from a given project are less than the de
5 minimis emissions listed in R307-401-9(1)(a), and

6 (b) the level of any one hazardous air pollutant or
7 any combination of hazardous air pollutants is below the
8 levels listed in R307-410-4(1)(d).

9 (2) The owner or operator shall submit documentation
10 that the project meets the exemption requirements in (1)
11 above to the executive secretary prior to beginning the
12 remediation project.

13 (3) After beginning the soil remediation project, the
14 owner or operator shall submit emissions information to the
15 executive secretary to verify that the emission rates of
16 the volatile organic compounds and hazardous air pollutants
17 in (1) above are not exceeded. Emissions estimates of
18 volatile organic compounds and hazardous air pollutants
19 shall be based on test data obtained in accordance with the
20 test method in the EPA document SW-846, Test #8020 or #8021
21 or other test or monitoring method approved by the
22 executive secretary. Results of the test and calculated
23 annual quantity of emissions of volatile organic compounds
24 and hazardous air pollutants shall be submitted to the
25 executive secretary within one month of sampling. The test
26 samples shall be drawn on intervals of no less than twenty-
27 eight days and no more than thirty-one days (i.e., monthly)
28 for the first quarter, quarterly for the first year, and
29 semi-annually thereafter or as determined necessary by the
30 executive secretary.

31 (4) The following control devices do not require a
32 notice of intent or approval order when used in relation to
33 an air stripper or soil venting project exempted under
34 R307-401-15:

35 (a) thermodestruction unit with a rated input
36 capacity of less than five million BTU per hour using no
37 other auxiliary fuel than natural gas or LPG, or

38 (b) carbon adsorption unit.

39
40 **R307-401-16. De minimis Emissions From Soil Aeration**
41 **Projects.**

42 An owner or operator of a soil remediation project is
43 not subject to the notice of intent and approval order
44 requirements of R307-401-5 through 8 when soil aeration or
45 land farming is used to conduct a soil remediation, if the
46 owner or operator submits the following information to the

1 executive secretary prior to beginning the remediation
2 project:

3 (1) documentation that the estimated total air
4 emissions of volatile organic compounds, using an
5 appropriate sampling method, from the project are less than
6 the de minimis emissions listed in R307-401-9(1)(a);

7 (2) documentation that the levels of any one
8 hazardous air pollutant or any combination of hazardous air
9 pollutants are less than the levels in R307-410-4(1)(d);
10 and

11 (3) the location of the remediation and where the
12 remediated material originated.

13 14 **R307-401-17. Temporary Relocation.**

15 The owner or operator of a stationary source
16 previously approved under R307-401 may temporarily relocate
17 and operate the stationary source at any site for up to 180
18 working days in any calendar year not to exceed 365
19 consecutive days, starting from the initial relocation
20 date. The executive secretary will evaluate the expected
21 emissions impact at the site and compliance with applicable
22 Title R307 rules as the bases for determining if approval
23 for temporary relocation may be granted. Records of the
24 working days at each site, consecutive days at each site,
25 and actual production rate shall be submitted to the
26 executive secretary at the end of each 180 calendar days.
27 These records shall also be kept on site by the owner or
28 operator for the entire project, and be made available for
29 review to the executive secretary as requested. R307-401-7,
30 Public Notice, does not apply to temporary relocations
31 under R307-401-16.

32 33 **R307-401-18. Eighteen Month Review.**

34 Approval orders issued by the executive secretary in
35 accordance with the provisions of R307-401 will be reviewed
36 eighteen months after the date of issuance to determine the
37 status of construction, installation, modification,
38 relocation or establishment. If a continuous program of
39 construction, installation, modification, relocation or
40 establishment is not proceeding, the executive secretary
41 may revoke the approval order.

42 43 **R307-401-19. Analysis of Alternatives.**

44 The owner or operator of a major new source or major
45 modification to be located in a nonattainment or
46 maintenance area or which would impact a nonattainment or
47 maintenance area must, in addition to the requirements in

1 R307-401, submit with the notice of intent an adequate
2 analysis of alternative sites, sizes, production processes,
3 and environmental control techniques for such proposed
4 source which demonstrates that benefits of the proposed
5 source significantly outweigh the environmental and social
6 costs imposed as a result of its location, construction, or
7 modification. The executive secretary shall review the
8 analysis. The analysis and the executive secretary's
9 comments shall be subject to public comment as required by
10 R307-401-7. The preceding shall also apply in Salt Lake
11 and Davis Counties for new major sources or modifications
12 which are considered major for precursors of ozone,
13 including volatile organic compounds and nitrogen oxides.

14
15 **R307-401-20. Relaxation of Limitations.**

16 At a time that a source or modification to be located
17 in a nonattainment or maintenance area or which would
18 impact a nonattainment or maintenance area becomes a major
19 source or major modification because of a relaxation of any
20 enforceable limitation which was established after August
21 7, 1980, on the capacity of a source or modification
22 otherwise to emit a pollutant, such as a restriction on the
23 hours of operation, then the preconstruction requirements
24 shall apply to the source as though construction had not
25 yet commenced on the source or modification.

26
27 **KEY: air pollution, permit, approval order**

28 **~~[September 15, 1998]~~2006**

29 **Notice of Continuation: August 11, 2003**

30 **19-2-104(3)(q)**

31 **19-2-108**

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